

## Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10

L-03 NSAE-00 PA-01 SP-02 SS-15 NSCE-00 SSO-00

USIE-00 INRE-00 HA-05 OMB-01 TRSE-00 /058 W

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 6304

INFO AMEMBASSY SANTIAGO IMMEDIATE

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 03 GENEVA 02821

E.O. 11652: GDS

TAGS: UNHRC, SHUM, CI

SUBJECT: 34TH HUMAN RIGHTS COMMISSION:HUMAN RIGHTS IN  
CHILE

REF: 1. STATE 32752, 2. STATE 42016

1. DRAFTING GROUP ON CHILE RESOLUTION (AUSTRIA, SWEDEN,  
UK, US AND CUBA) MET FOR THIRD TIME A.M. FEB. 23. GROUP'S  
DISCUSSION CENTERED ON TWO DRAFTS PROPOSED BY SWEDEN (ONE  
DEALING WITH HUMAN RIGHTS SITUATION IN CHILE (RES.A) AND  
THE OTHER WITH THE ESTABLISHMENT OF A VOLUNTARY FUND (RES.  
B)).

2. USREP'S (MEZVINSKY) PARTICIPATION GUIDED BY ELEMENTS  
CONTAINED REFS. 1 AND 2. PREAMBULAR LANGUAGE RELATING TO  
THE GENERAL ASSEMBLY OF THE OAS (REF. 2) UNACCEPTABLE TO  
CUBANS AND YUGOSLAVIA.

3. AT END OF THIS MESSAGE ARE TWO DRAFT TEXTS WHICH  
EMERGED FROM WORKING GROUP SESSION. NEXT MEETING OF  
DRAFTING GROUP SCHEDULED FOR 3:00 P.M. (GENEVA TIME)  
FEBRUARY 24. URGENTLY REQUEST DEPT'S REACTION AND  
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COMMENTS ON TWO DRAFT TEXTS. IN PARTICULAR, NEED LANGUAGE  
ON ANY AMENDMENTS WHICH DEPT WOULD CONSIDER ESSENTIAL TO  
ALLOW FOR U.S. CO-SPONSORSHIP. RE PREAMBULAR REFERENCE  
TO OAS AND IAHC ROLE, WOULD PREAMBULAR PARA WHICH  
SIMPLY TAKES NOTE OF LATEST IAHC REPORT ON HUMAN RIGHTS  
IN CHILE BE SUFFICIENT?

4. BEGIN TEXT. RES. A.

THE COMMISSION ON HUMAN RIGHTS,

CONSCIOUS OF ITS RESPONSIBILITY TO PROMOTE AND ENCOURAGE  
RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR  
ALL,

RECALLING THAT THE UNIVERSAL DECLARATION OF HUMAN RIGHTS  
SOLEMNLY DECLARES THAT EVERYONE HAS THE RIGHT TO LIFE,  
LIBERTY AND SECURITY OF PERSON AND THE RIGHT NOT TO BE  
SUBJECTED TO ARBITRARY ARREST, DETENTION OR EXILE, OR  
TO TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT OR  
PUNISHMENT,

RECALLING THE DECLARATION ON THE PROTECTION OF ALL  
PERSONS FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL,  
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, UNANIMOUSLY  
ADOPTED BY THE GENERAL ASSEMBLY IN ITS RESOLUTION 3452  
(XXX),

FURTHER RECALLING GENERAL ASSEMBLY RESOLUTIONS 3219 (XXIX),  
3448 (XXX), 31/124 AND 32/118 CONCERNING THE PROTECTION  
OF HUMAN RIGHTS IN CHILE,

CONSIDERING ITS RESOLUTIONS 8 (XXX), BY WHICH AN AD HOC  
WORKING GROUP TO INQUIRE INTO THE SITUATION OF HUMAN  
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RIGHTS IN CHILE WAS ESTABLISHED, AND 9 (XXXIII), BY  
WHICH THE MANDATE OF THE AD HOC WORKING GROUP WAS  
EXTENDED,

HAVING CONSIDERED THE REPORT OF THE AD HOC WORKING GROUP  
(E/CN.4/1266), THE OBSERVATIONS AND DOCUMENTS SUBMITTED  
BY THE CHILEAN AUTHORITIES (E/CN.4 ), THE REPORT BY  
THE SECRETARY-GENERAL AND THE PROGRESS REPORT FOR HUMAN  
RIGHTS IN CHILE PREPARED BY THE SPECIAL RAPPORTEUR OF  
THE SUB-COMMISSION (E/CN.4/1268),

ACKNOWLEDGING RECENT DEVELOPMENTS, MAINLY DUE TO THE  
CONTINUOUS EFFORTS OF THE CHILEAN PEOPLE AND THE INTERNA-  
TIONAL COMMUNITY, WHICH ACCORDING TO THE REPORT OF THE  
AD HOC WORKING GROUP INDICATES A DECREASE IN THE NUMBER  
OF POLITICAL PRISONERS, OF REPORTED CASES OF TORTURE  
AND OF DETAINEES UNDER THE STATE OF SIEGE,

CONCLUDING THAT CONSTANT AND FLAGRANT VIOLATIONS OF  
HUMAN RIGHTS NEVERTHELESS CONTINUE TO TAKE PLACE IN  
CHILE, IN SOME CASES SYSTEMATIC AND INSTITUTIONALIZED,  
AND IN PARTICULAR, THE ABSENCE OF CONSTITUTIONAL SAFE-

GUARDS FOR HUMAN RIGHTS AND THE CONTINUATION OF THE  
STATE OF SIEGE WITH ITS LIMITATIONS ON FUNDAMENTAL  
FREEDOMS;

1. SHARES THE PROFOUND INDIGNATION EXPRESSED BY THE  
GENERAL ASSEMBLY IN ITS RESOLUTION 32/118 THAT THE  
CHILEAN PEOPLE CONTINUE TO BE SUBJECTED TO CONSTANT AND  
FLAGRANT VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL  
FREEDOMS AND TO LACK ADEQUATE CONSTITUTIONAL AND JUDICIAL  
SAFEGUARDS OF THEIR RIGHTS AND LIBERTIES, AND TO SUFFER

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C O N F I D E N T I A L SECTION 02 OF 03 GENEVA 02821

ASSAULTS ON THE FREEDOM AND INTEGRITY OF THEIR PERSONS,  
IN PARTICULAR BY METHODS OF SYSTEMATIC INTIMIDATION,  
INCLUDING TORTURE, DISAPPEARANCE OF PERSONS FOR POLITICAL  
REASONS AND THE REFUSAL TO ADEQUATELY ACCOUNT FOR ABOUT  
ONE-THOUSAND MISSING DETAINEES, LIMITATIONS ON FREEDOM  
OF EXPRESSION, THE SUSPENSION OF POLITICAL ACTIVITY, THE  
SYSTEMATIC CAMPAIGN AGAINST SUSPECTED OPPONENTS OF THE  
REGIME, AGAINST TRADE UNIONISTS AND AGAINST THE HUMANITA-  
RIAN ACTIVITIES OF THE ROMAN CATHOLIC CHURCH, INFRINGEMENT  
OF THE RIGHT OF NATIONALITY AND THE RIGHT TO RETURN TO  
ONE'S COUNTRY, ARBITRARY ARREST, DETENTION AND EXILE,

2. VIEWS WITH PARTICULAR CONCERN AND INDIGNATION THE  
CONTINUED REFUSAL OF THE CHILEAN AUTHORITIES TO ACCEPT  
RESPONSIBILITY OR ACCOUNT FOR THE LARGE NUMBER OF  
DISAPPEARED PERSONS, WHOSE DISAPPEARANCE IS SHOWN BY  
AVAILABLE EVIDENCE TO BE ATTRIBUTABLE TO POLITICAL  
REASONS,

3. DEMANDS THE CHILEAN AUTHORITIES TO CLARIFY FORTHWITH THE FATE OF THE NUMEROUS PERSONS WHO HAVE THUS DISAPPEARED IN CHILE,

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4. EXPRESSES ITS GRAVE CONCERN AT THE NEW MEASURES TAKEN RECENTLY BY THE GOVERNMENT OF CHILE IN ORDER TO SUPPRESS ANY POLITICAL OPPOSITION IN THE COUNTRY,

5. DEEPLY DEPLORES THE DESTRUCTION OF DEMOCRATIC INSTITUTIONS AND OF CONSTITUTIONAL SAFEGUARDS FORMERLY ENJOYED BY THE CHILEAN PEOPLE,

6. CALLS ONCE AGAIN UPON THE CHILEAN AUTHORITIES TO RESTORE AND SAFEGUARD, WITHOUT DELAY, BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND FULLY TO RESPECT THE PROVISIONS OF THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY,

7. CONSIDERS THAT THE PLEBISCITE, FOLLOWING THE ADOPTION OF GENERAL ASSEMBLY RESOLUTION 32/118 RECENTLY ARRANGED BY THE CHILEAN AUTHORITIES, WAS AN EXERCISE LACKING RELEVANCE AS A RELIABLE GUIDE TO THE STATE OF HUMAN RIGHTS IN CHILE AND TO THE VIEWS OF THE CHILEAN PEOPLE IN THIS RESPECT,

8. EXPRESSES ITS APPRECIATION TO INTERNATIONAL ORGANIZATIONS, GOVERNMENTS, NON-GOVERNMENTAL ORGANIZATIONS, PRIVATE INDIVIDUALS AND ALL THOSE MEMBERS OF NATIONAL AND INTERNATIONAL SOCIETY WHO WORK FOR THE RESTORATION OF HUMAN RIGHTS IN CHILE AND WHO, BOTH FROM WITHIN AND OUTSIDE CHILE, PROVIDE HUMANITARIAN ASSISTANCE AND RELIEF TO VICTIMS OF VIOLATIONS OF HUMAN RIGHTS IN THAT COUNTRY;

9. COMMENDS ONCE AGAIN THE CHAIRMAN AND THE MEMBERS OF THE AD HOC WORKING GROUP FOR THE OBJECTIVE AND IMPARTIAL MANNER IN WHICH THEY HAVE FULFILLED THEIR MANDATE AND  
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FOR THE THOROUGH AND ACCURATE REPORTS THEY HAVE PREPARED, DESPITE THE PERSISTENT REFUSAL OF THE CHILEAN AUTHORITIES TO PERMIT THE GROUP TO VISIT THE COUNTRY IN ACCORDANCE WITH THE PRIOR INTERNATIONAL COMMITMENT GIVEN BY CHILE

10. EXTENDS FOR ONE YEAR THE MANDATE OF THE PRESENT AD HOC WORKING GROUP, MADE UP OF THE FOLLOWING MEMBERS, TO WORK AS EXPERTS IN THEIR PERSONAL CAPACITY: MR. GHULAM ALI ALLANA (PAKISTAN), CHAIRMAN-RAPPOREUR, MR. LEOPOLDO BENITES (ECUADOR), MR. FELIX ERMACORA (AUSTRIA), MR. ABDOULAYE DIEYE (SENEGAL), AND MR. M.J.T. KAMARA (SIERRA LEONE), AND REQUESTS IT TO REPORT TO THE GENERAL ASSEMBLY AT ITS THIRTY-THIRD SESSION AND TO THE COMMISSION ON HUMAN RIGHTS AT ITS THIRTY-FIFTH SESSION WITH SUCH ADDITIONAL INFORMATION AS MAY BE NECESSARY,

11. CALLS ONCE AGAIN UPON THE CHILEAN AUTHORITIES TO ADMIT THE AD HOC WORKING GROUP, THEREBY CONTRIBUTING TO AN IMPARTIAL EXAMINATION OF THE HUMAN RIGHTS SITUATION IN THE COUNTRY,

12. REQUESTS THE SECRETARY GENERAL TO RENDER TO THE AD HOC WORKING GROUP ALL THE ASSISTANCE WHICH IT MIGHT REQUIRE IN ITS WORK,

13. WELCOMES THE DECISION BY THE SUBCOMMISSION IN ITS RESOLUTION II (XXX) TO UNDERTAKE A STUDY ON THE CONSEQUENCES OF THE VARIOUS FORMS OF AID EXTENDED TO THE CHILEAN AUTHORITIES AND THE SUBSEQUENT INITIATION OF THE STUDY BY A SPECIALLY APPOINTED RAPPOREUR, AND INVITES THE RAPPOREUR TO PRESENT A PROGRESS REPORT TO THE COMMISSION AT ITS THIRTY-FIFTH SESSION,

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INFO OCT-01 ARA-10 ISO-00 CIAE-00 DODE-00 PM-05 H-01  
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C O N F I D E N T I A L SECTION 03 OF 03 GENEVA 02821

14. RECOMMENDS TO THE ECONOMIC AND SOCIAL COUNCIL TO

MAKE ARRANGEMENTS FOR THE PROVISION OF ADEQUATE FINANCIAL RESOURCES AND STAFF FOR THE IMPLEMENTATION OF THE PRESENT RESOLUTION AND FOR THE EXECUTION OF THE STUDY MENTIONED IN PARAGRAPH 13,

15. DECIDES TO CONSIDER AT ITS THIRTY-FIFTH SESSION AS A MATTER OF HIGH PRIORITY THE QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN CHILE. END TEXT OF RESOLUTION A.

5. BEGIN TEXT. RES. B.

THE HUMAN RIGHTS COMMISSION

IN PURSUANCE OF GENERAL ASSEMBLY RESOLUTION 32/118,

TAKING NOTE OF SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES RESOLUTION 11 (XXX),

1. INVITES THE ECOSOC TO RECOMMEND TO THE GENERAL ASSEMBLY THE ESTABLISHMENT OF A VOLUNTARY FUND FOR CHILE BY ADOPTING THE FOLLOWING DRAFT RESOLUTION:

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THE ECONOMIC AND SOCIAL COUNCIL,

TAKING NOTE OF COMMISSION ON HUMAN RIGHTS RESOLUTION (XXXIV),

RECOMMENDS THAT THE GENERAL ASSEMBLY SHOULD ADOPT THE FOLLOWING RESOLUTION:

THE GENERAL ASSEMBLY,

RECALLING ITS RESOLUTIONS 31/124 AND 32/118 AND TAKING NOTE OF ECOSOC RESOLUTION AND COMMISSION ON HUMAN RIGHTS RESOLUTION (XXXIV),

1. DECIDES TO ESTABLISH A VOLUNTARY FUND, CALLED THE UN FUND FOR CHILE, ADMINISTERED IN ACCORDANCE WITH THE FINANCIAL REGULATIONS OF THE UN BY THE SECRETARY GENERAL WITH THE ADVICE OF A BOARD OF FIVE TRUSTEES WITH WIDE EXPERIENCE OF THE SITUATION IN CHILE TO SERVE FOR A THREE YEAR TERM, NOMINATED BY THE SECRETARY GENERAL WITH DUE REGARD TO EQUITABLE REGIONAL DISTRIBUTION AND IN CONSULTATION WITH GOVERNMENTS CONCERNED, TO RECEIVE CONTRIBUTIONS AND DISTRIBUTE, THROUGH ESTABLISHED CHANNELS OF ASSISTANCE, HUMANITARIAN, LEGAL AND FINANCIAL AID TO PERSONS WHOSE HUMAN RIGHTS HAVE BEEN VIOLATED BY DETENTION OR IMPRISONMENT IN CHILE, TO THOSE FORCED TO

LEAVE THE COUNTRY AND TO RELATIVES OF PERSONS OF THE  
ABOVE-MENTIONED CATEGORIES,

2. ADOPTS THE ANNEXED MANAGEMENT RULES FOR THE FUND,

3. AUTHORIZES THE BOARD OF TRUSTEES TO PROMOTE AND  
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SOLICIT CONTRIBUTIONS AND PLEDGES,

4. REQUESTS THE SECRETARY GENERAL TO PUT INTO IMMEDIATE  
EFFECT THE PROVISIONS OF THIS RESOLUTION AND TO GIVE THE  
BOARD OF TRUSTEES ALL THE ASSISTANCE IT MAY REQUIRE,

5. APPEALS TO MEMBER STATES TO RESPOND FAVOURABLY TO  
REQUESTS FOR CONTRIBUTIONS FOR THE FUND,

6. REQUESTS THE SECRETARY GENERAL TO SUBMIT SPECIFIC  
PROPOSALS FOR MANAGEMENT RULES FOR THE OPERATION OF THE  
FUND IN ACCORDANCE WITH THE PRINCIPLES SET FORTH IN THE  
DRAFT RESOLUTION UNDER PARAGRAPH 1, TO THE ECOSOC AT  
ITS (BLANK) SESSION. END TEXT OF RESOLUTION B.  
VANDEN HEUVEL

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## Message Attributes

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**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
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**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
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Sheryl P. Walter  
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